

**EXHIBIT 6**

# Transcript of the Testimony of **Jennifer Virden**

June 17, 2021

Jennifer Virden v. The City of Austin

Givens Court Reporting  
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<p>IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION</p> <p>JENNIFER VIRDEN, § § Plaintiff, § CIVIL ACTION NO. v. § 1:21-CV-271-RP THE CITY OF AUSTIN, § § Defendant. §</p> <p>* * * * *</p> <p>THE ORAL DEPOSITION OF JENNIFER VIRDEN, June 17, 2021</p> <p>* * * * *</p> <p>ORAL DEPOSITION OF JENNIFER VIRDEN, produced as a witness at the instance of the Defendant and duly sworn, was taken in the above styled and numbered cause on the 17th day of June 2021, from 1:09 p.m. to 2:02 p.m., before Sandra S. Givens, CSR, in and for the State of Texas, reported by machine shorthand method, at Austin City Hall, 301 W. 2nd Street, 4th floor, Austin, Texas 78701, pursuant to the Federal Rules of Civil Procedure.</p>	<p>1 I N D E X 2 3 Appearances - - - - - 2 4 Exhibits - - - - - 3 5 JENNIFER VIRDEN 6 Examination by Mr. Hicks - - - - - 4 7 Examination by Mr. Najvar - - - - - 46 8 Further Examination by Mr. Hicks - - - - - 47 9 Changes and Signature - - - - - 52 9 Reporter's Certification - - - - - 54 10 11 12 E X H I B I T S 13 NO. DESCRIPTION PAGE 14 15 Exhibit 1 - - - - - 7 15 City of Austin City Council Districts Map 16 Exhibit 2 - - - - - 15 16 Amendment: Appointment of a Campaign 17 Treasurer by a Candidate, 5/6/21, November 2022, Mayor or Council District 18 Exhibit 3 - - - - - 18 19 Amendment: Appointment of a Campaign 19 Treasurer by a Candidate, 8/17/20, Austin 20 City Council, District 10 21 Exhibit 4 - - - - - 19 21 Monetary Political Contributions Form 22 23 24 25</p>
<p>Page 1</p> <p>1 A P P E A R A N C E S 2 FOR THE PLAINTIFF: 3 Mr. Jerad Najvar 4 Mr. Austin M.B. Whatley 5 NAVJAR LAW FIRM, PLLC 6 2180 North Loop West, Suite 255 6 Houston, Texas 77018 7 (281) 404-4696 7 jerad@najvarlaw.com austin@najvarlaw.com 8 9 FOR THE DEFENDANT: 10 Mr. Renea Hicks 10 LAW OFFICE OF MAX RENEA HICKS 11 P.O. Box 303187 11 Austin, Texas 78731 12 (512) 480-8231 12 rhicks@reneahicks.com 13 14 Ms. Carol Smith 14 Paralegal 15 City of Austin Law Department 15 301 W. 2nd Street, 4th Floor 15 Austin, Texas 78701 16 (512) 974-2147 16 carol.smith@austintexas.gov 17 18 19 20 21 22 23 24 25</p>	<p>1 JENNIFER VIRDEN, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. HICKS: 5 Q Ms. Virden, would you state your full name 6 and where you live? 7 A Jennifer Marie Virden at 8307 High Oak Drive 8 in Austin, Texas 78759. 9 Q And I'm Renea Hicks. I represent the City of 10 Austin in a lawsuit you've filed against them over the 11 I'll call it the temporal fundraising restrictions. Do 12 you know what I'm talking about if I say that? 13 A Yes. 14 Q Okay. You said you live at 8307 High Oak 15 Drive. How long have you lived there? 16 A Approximately 13 years. 17 Q And do you anticipate living there till the 18 end of -- till the election in 2022? 19 A Yes. 20 Q Okay. I checked your website yesterday and 21 your Twitter account, and it looks like, you say on 22 there anyway, that you're running for mayor. Have you 23 decided to run for mayor? 24 A Yes. 25 Q And you're not running for a city council</p>
<p>Page 2</p>	<p>Page 4</p>

1 (Pages 1 to 4)

1 position if one comes open?  
 2 A I am running for mayor.  
 3 Q Okay. That isn't quite what I asked you.  
 4 You're not running for a city council  
 5 seat if one becomes open and you reside in it?  
 6 A I am running for mayor at this time, and I  
 7 could change that if a council district seat comes open  
 8 during the remapping, but at this time I am definitely  
 9 running for mayor.  
 10 Q Okay. And I'm going to try my question  
 11 again.  
 12 A Okay.  
 13 Q Okay.  
 14 A Well, that really was an answer, so I don't  
 15 know how else I'm going to answer it.  
 16 Q I'm not sure. So have you decided not to run  
 17 for a city council seat?  
 18 A I have not decided not to run for a city  
 19 council seat, but I have definitely decided to run for  
 20 mayor, and I'm leaving my options open.  
 21 Q What do you mean when you say you're leaving  
 22 your options open?  
 23 A I'm saying that at this time I'm definitely  
 24 running for mayor, and if circumstances change or if we  
 25 feel like the environment has changed, then we could

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1 city council seat you're going to run for?  
 2 A Well, depending on how remapping goes, we  
 3 don't know what the district number's going to be, but  
 4 it's in the district where I live.  
 5 Q Okay. So you don't plan to leave.  
 6 A No.  
 7 Q Let me show you an exhibit. I'm going to ask  
 8 to mark this Deposition, Virden Deposition Exhibit 1.  
 9 (Exhibit No. 1 marked.)  
 10 Q Okay. I will represent to you that that's a  
 11 colored map showing the general outlines -- or the  
 12 outlines of this current city council district. You  
 13 understand that's what that --  
 14 A Yes.  
 15 Q -- appears to be? And you'll notice there  
 16 that there's a little red arrow in District 10? Do you  
 17 see that?  
 18 A Yes.  
 19 Q And you see on the, on the right-hand side  
 20 there's something that says, indicates, 8307 High Oak  
 21 Drive?  
 22 A Yes.  
 23 Q Does that appear to be, not precise, but a  
 24 pretty close approximation of where you live?  
 25 A Yes.

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1 possibly decide to run for the city council position if  
 2 it comes open, but at this time most definitely running  
 3 for mayor.  
 4 Q What kind of circumstances are you talking  
 5 about?  
 6 A Just depending on the environment and however  
 7 things develop over the next few months.  
 8 Q What do you mean by "the environment"?

9 A The political environment.  
 10 Q What -- tell me some of the specifics.  
 11 A Strategically speaking, however we feel we  
 12 are most likely to be able to make a positive  
 13 difference in Austin, and right now it's mayor. We, we  
 14 need leadership in the mayor's office, and I feel like  
 15 that I'm the best person for the job.  
 16 Q So if the circumstances change and the  
 17 environment changes in a way that you change your mind,  
 18 have you decided which city council seat you want to  
 19 run for?  
 20 A I do not want to run for a city council --  
 21 Q I didn't --  
 22 A -- seat.  
 23 Q -- ask you that question. If circumstances  
 24 change and you decide not to run for mayor and you run  
 25 for a city council seat instead, have you decided which

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1 Q Okay. So for city council -- you don't plan  
 2 to move and you say there may be some remapping that  
 3 may put you in a district that you may decide to run  
 4 for, depending on what you decide to do about the mayor  
 5 and whether the circumstances change. So let's look at  
 6 the districts. Do you see District 7 there?  
 7 A Yes.  
 8 Q So that's the closest district as the lines  
 9 are now out- outside -- adjoining District 10 that's  
 10 not in District 10, right? Closest district to your  
 11 current residence.  
 12 A Currently. Yes.  
 13 Q Okay. Do you know whether District 7 is on  
 14 the ballot in 2022?  
 15 A It is.  
 16 Q You sure of that?  
 17 A No. I'm sorry. District 7 is not. No.  
 18 Q Do you see District 6 up there to the north?  
 19 A Yes.  
 20 Q Do you know whether District 6 is on the  
 21 ballot?  
 22 A It is not on the ballot --  
 23 Q Do you see --  
 24 A -- at this moment. No.  
 25 Q Do you see District 9?

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2 (Pages 5 to 8)

<p>1 A Yes.</p> <p>2 Q Do you know whether it's on the ballot?</p> <p>3 A It is. It will be on in the November --</p> <p>4 Q Do you know about how far the closest part of</p> <p>5 District 9 is to your home? Do you have an estimate?</p> <p>6 A Probably about five miles.</p> <p>7 Q Okay. Do you see District 10?</p> <p>8 A Yes.</p> <p>9 Q I'm sorry. Not District 10. That's obvious.</p> <p>10 District 8?</p> <p>11 A Yes.</p> <p>12 Q And do you have an estimate about how far</p> <p>13 District 8's closest line is to your house?</p> <p>14 A 10 miles? I don't know.</p> <p>15 Q So, and District 8 is on the ballot in</p> <p>16 2022 --</p> <p>17 A Mm-hm.</p> <p>18 Q -- right?</p> <p>19 A Yes.</p> <p>20 Q Do you know whether there's an, going to be</p> <p>21 an incumbent in District 8?</p> <p>22 A I don't know.</p> <p>23 Q Do you know whether there's going to be an</p> <p>24 incumbent in District 9?</p> <p>25 A Well, I don't know for sure. I think there's</p>	<p>1 mayoral race running have any effect on your</p> <p>2 decision-making about whether to continue running for</p> <p>3 mayor?</p> <p>4 A No.</p> <p>5 Q When did you decide you were running for</p> <p>6 mayor?</p> <p>7 A I decided to either -- I decided to run for a</p> <p>8 city office immediately after the runoff on December</p> <p>9 15th, and as time has gone by since December 15th it's</p> <p>10 become more and more clear every week that the mayoral</p> <p>11 office is the one that I want to have.</p> <p>12 Q And when did you make that decision?</p> <p>13 A Hm, I'm -- it's been a gradual decision, and</p> <p>14 it's been solidified over -- I can't give you an exact</p> <p>15 date on when I decided to --</p> <p>16 Q Give me an approximation.</p> <p>17 A I would say I started really getting serious</p> <p>18 about it probably in February of this year.</p> <p>19 Q Okay. When did you first post on your</p> <p>20 campaign website that you were running for mayor?</p> <p>21 A I do not recall.</p> <p>22 Q Do you have an estimate?</p> <p>23 A Middle of May possibly.</p> <p>24 Q Was that before or after you filed your</p> <p>25 amended -- amendment to your appointment (inaudible)</p>
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<p>1 been rumors that somebody was going to petition to run</p> <p>2 again, but I think she's been termed out, or she will</p> <p>3 be.</p> <p>4 Q She's been what now?</p> <p>5 A I believe that's Kathy Tovo's district, and I</p> <p>6 believe that she is already termed out. She's put</p> <p>7 file- petition to run.</p> <p>8 Q Okay. And what about the mayoral race, do</p> <p>9 you know whether there will be in an incumbent in that</p> <p>10 race?</p> <p>11 A Do not know that yet. That's -- there's been</p> <p>12 rumors that he was going to petition to run again as</p> <p>13 well.</p> <p>14 Q And by "he" you mean Mayor Adler.</p> <p>15 A Yes.</p> <p>16 Q You understand that he's been elected to two</p> <p>17 consecutive terms and will be termed out but for the</p> <p>18 petition, right?</p> <p>19 A Yes.</p> <p>20 Q Does the issue of whether there's an</p> <p>21 incumbent in the mayoral race factor in your evaluation</p> <p>22 of whether to continue running for mayor?</p> <p>23 A I'm sorry. Could you repeat the question?</p> <p>24 Q Sure. I may not say it exactly the same.</p> <p>25 Does the possibility of there being an incumbent in the</p>	<p>1 treasurer?</p> <p>2 A I do not recall.</p> <p>3 THE REPORTER: Appointment for</p> <p>4 what?</p> <p>5 MR. HICKS: Campaign treasurer.</p> <p>6 Q You don't recall?</p> <p>7 A I don't recall.</p> <p>8 Q And on your Twitter account you say, at least</p> <p>9 yesterday it said, "JenniferforAustin for mayor 2022."</p> <p>10 A Mm-hm.</p> <p>11 Q Sorry. I read the wrong one. "Officially</p> <p>12 running for mayor 2022."</p> <p>13 A (Nodding head)</p> <p>14 Q What does "officially" running mean?</p> <p>15 A Just, I guess it's just a word I chose to</p> <p>16 announce to whoever might be reading that that I'm not</p> <p>17 just thinking about it, it's really happening, we're</p> <p>18 doing it.</p> <p>19 Q When did you post that Twitter?</p> <p>20 A I don't recall.</p> <p>21 Q Was it in the last week?</p> <p>22 A May I see the paper?</p> <p>23 Q Sure. I'll -- let me let you know what I</p> <p>24 did. I copied it directly off and then pasted.</p> <p>25 A Okay.</p>
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3 (Pages 9 to 12)

1 MR. NAJVAR: I'm going to object to  
2 asked and answered.

3 A And which part you're asking?

4 Q (By Mr. Hicks) You say "Officially running  
5 for mayor" --

6 A Oh, that was months, that was a few months  
7 ago. It's June -- I would say the beginning of May,  
8 maybe before then.

9 Q Okay.

10 A I'm -- I don't recall, because I don't commit  
11 those -- everything I do on social media to memory, the  
12 dates of whatever I do.

13 Q But you -- tell me again, when you say  
14 "officially" you don't mean that you have filed for  
15 mayor, right?

16 A No. We have not filed to run for any  
17 specific office yet.

18 Q Okay. I'm just trying to understand what  
19 "official" means.

20 Do you recall your, your amendment to  
21 your campaign treasurer appointment?

22 A Yes.

23 Q And do you remember the description you gave  
24 for the office running for "if known"?

25 A I, I believe we did not declare an office on

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1 if it's not required to check the box, then I didn't  
2 check the box.

3 Q Let me ask you to look at --

4 MR. HICKS: Let me just go ahead  
5 and mark this as Deposition Exhibit 2. I don't  
6 have -- y'all have copies of it. I don't have extra  
7 copies of it.

8 (Exhibit No. 2 marked.)

9 MR. NAJVAR: Before you ask her a  
10 question, since you don't have a copy for me, where,  
11 where is this?

12 MR. HICKS: It is attached -- you  
13 attached it. It's, it is -- I can tell you in just a  
14 second. I'll tell you precisely where it is.

15 MR. NAJVAR: This is her amended  
16 treasury appointment form?

17 MR. HICKS: Yes. David --

18 THE WITNESS: Here, right there. I  
19 just saw it.

20 Q (By Mr. Hicks) Okay. Do you see in Item 6  
21 [sic] there it says "Office Sought" --

22 A Yes.

23 Q -- "(if known)"? What do you say there?

24 A "November 2022 Mayor or Council District."

25 Q Okay. And is the "or Council District" not

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1 that amended treasurer report.

2 Q Right. It says "if known," right? And you  
3 didn't --

4 A Yes.

5 Q -- even know when you filed that, right?

6 A I did not check a box on that. I just -- it  
7 just --

8 Q Well, I know, but --

9 A -- says "if known."

10 Q -- my question is, did you know when you  
11 filed it?

12 A I was leaving my options open, and --

13 Q Did you know? Just can you answer that  
14 question?

15 MR. NAJVAR: I'm going to object,  
16 and if you're going to ask her a question about a  
17 document --

18 MR. HICKS: I'll show --

19 MR. NAJVAR: -- then give her the  
20 document.

21 MR. HICKS: It's my choice about  
22 whether to do that. If she needs to see it, I'm happy  
23 to show it to her.

24 Q So what did it mean, "if known," to you?

25 A "If known," it means if I knew for sure, and

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1 true anymore?

2 A No. It's not true or untrue, and I wasn't  
3 required at this time to say whether or not I was  
4 running for mayor or council.

5 Q Because you didn't know.

6 A It's not that I didn't know. I haven't -- I  
7 have the option to leave that open, and so that is what  
8 I decided to do on this form.

9 Q So what do you think "if known" means on that  
10 item? What do you think when you're filling it out?

11 A And it is known that I was going to run for a  
12 city seat, mayor or council district.

13 Q Okay.

14 A And that's, and that is an allowable answer  
15 for that box.

16 Q That's -- I don't think you get to decide  
17 that.

18 So you at this point, that point, only  
19 knew that you were going to run for one of those two  
20 things, right?

21 A Yes. Those are the two offices I'm  
22 considering, or was considering at that time. Yes.

23 Q All right. And now you're still considering  
24 those two offices, correct?

25 A Possibly.

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4 (Pages 13 to 16)

<p>1 Q Are you or are you not?</p> <p>2 A Possibly. I --</p> <p>3 Q I know, but I just need to know --</p> <p>4 A I have --</p> <p>5 Q -- are you considering.</p> <p>6 A -- the option to change that. Right now I'm running for mayor, and that's what I'm running for.</p> <p>8 Q So --</p> <p>9 A But if, if I decide in the future, then I will run for a council district if it becomes open where I live. But right now I'm running for mayor.</p> <p>12 Q And you know you're running for mayor, right?</p> <p>13 A I know I'm running for mayor.</p> <p>14 Q Are you going to amend your filing for --</p> <p>15 A If my --</p> <p>16 Q -- a campaign -- may I finish the question?</p> <p>17 A Sure.</p> <p>18 Q Are you going to amend your campaign treasurer appointment to reflect what you now know?</p> <p>20 A I will amend this if my lawyer advises me that's what I need to do.</p> <p>22 Q Okay. But otherwise you won't; is that correct?</p> <p>24 A I'm going to defer to my lawyer.</p> <p>25 Q Well, are you going to do what he says?</p>	<p>1 a campaign treasurer before you can solicit and accept campaign contributions, correct?</p> <p>3 A Yes.</p> <p>4 Q So I'm going to show you, this is an excerpt --</p> <p>6 MR. HICKS: I'll ask you to mark it first, Deposition Exhibit 4.</p> <p>8 (Exhibit No. 4 marked.)</p> <p>9 Q And I'll tell you where to find it in just a second. And if you can't find, we can call it up for you.</p> <p>12 MR. HICKS: Let me just say where, where you can find it. It's in the emailed documents that I sent you, Jerad, yesterday afternoon. It's attachment, it's the first attachment --</p> <p>16 Can you call it up, Carol?</p> <p>17 MS. SMITH: Okay. Just a second.</p> <p>18 Q You already know what I'm going to --</p> <p>19 A Yeah.</p> <p>20 Q -- ask you right?</p> <p>21 A Yes.</p> <p>22 Q Let me -- but before you answer let's do --</p> <p>23 MR. HICKS: Jerad, do you need us to call that up, or do you see what you want to see?</p> <p>25 MR. NAJVAR: Well, if you're asking</p>
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<p>1 A Yes. I'm going to do what he says in this regard.</p> <p>3 Q Okay. Now, I'm --</p> <p>4 MR. HICKS: Since, since I'm having a hard time calling these things up quickly, I'll just mark this. So Deposition Exhibit 3, it's the appoint -- I'm going to ask you to mark it as Deposition Exhibit 3.</p> <p>9 (Exhibit No. 3 marked.)</p> <p>10 Q It's the appointment, the original appointment of a campaign treasurer back in 20 --</p> <p>12 A August.</p> <p>13 Q August of 2020.</p> <p>14 A Thank you.</p> <p>15 Q Do you see that?</p> <p>16 A Yes.</p> <p>17 Q Do you see in item 6 there you identify District 10 --</p> <p>19 A Yes.</p> <p>20 Q -- as the district? You knew you were running for that, right?</p> <p>22 A Yes.</p> <p>23 Q What is the date of that?</p> <p>24 A August 17th, 2020.</p> <p>25 Q And you understand that you have to designate</p>	<p>1 her about this page, I've got it here in front of me.</p> <p>2 MR. HICKS: You're okay with that?</p> <p>3 MR. NAJVAR: Yes. I'm okay.</p> <p>4 Q (By Mr. Hicks) Can you just tell me what that is, or used to be?</p> <p>6 A It's part of my filing, my campaign filing.</p> <p>7 Q From?</p> <p>8 A August, the first one.</p> <p>9 Q August of --</p> <p>10 A Campaign finance report.</p> <p>11 Q Isn't -- it's the October 7 of 2020 campaign finance report, correct?</p> <p>13 A Yes. Approximately the due date for it.</p> <p>14 Yeah.</p> <p>15 Q Yeah, yeah. And you see -- that's an excerpt from one of the packages, and you see on there there are two people named Skaggs?</p> <p>18 A Yes.</p> <p>19 Q And do you see the date of the --</p> <p>20 A I do.</p> <p>21 Q -- contribution? What's the date?</p> <p>22 A August 1st, 2020.</p> <p>23 Q Can you explain what happened there?</p> <p>24 A I cannot. I don't know if that was a typo or -- I know that I didn't take any contributions</p>
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5 (Pages 17 to 20)

<p>1 before I filed, because I didn't even know anybody. So 2 that, that must be a typo.</p> <p>3 Q Okay. Do you remember the campaign 4 contributions coming in?</p> <p>5 A Well, not every single one of them, but yes, 6 I do remember --</p> <p>7 Q Do you remember those two?</p> <p>8 A Yeah. I do.</p> <p>9 Q And what, what's memorable about them?</p> <p>10 A Well, I remember that I believe it was by 11 check, and it was Skaggs. I like the -- I, I recognize 12 Jim Skaggs' name. I didn't know his wife's name was 13 Betty, but yeah.</p> <p>14 Q Okay. So are you saying that you did not 15 receive those contributions on that date indicated?</p> <p>16 A I am 99 percent sure that I did not receive 17 any contributions before August 17th. Not August 1st. 18 It's probably a typo, and I need to file a corrected 19 report.</p> <p>20 Q Is this the first -- is the race for District 21 10 the first elective office you've sought?</p> <p>22 A Yes.</p> <p>23 Q Public elected office --</p> <p>24 A Yes.</p> <p>25 Q -- you've sought? When did you get</p>	<p>1 A -- in July of 2019.</p> <p>2 Q When city council did?</p> <p>3 A Mm-hm.</p> <p>4 Q Try to answer yes or no, because it's hard 5 for --</p> <p>6 A Oh, yes. Sorry about that.</p> <p>7 Q Just out of the curiosity, have you ever 8 heard of the Zimmerman versus City of Austin lawsuit?</p> <p>9 A Yes.</p> <p>10 Q And did you follow that lawsuit at all when 11 it was going on?</p> <p>12 A No.</p> <p>13 Q When did you first learn about that lawsuit?</p> <p>14 A During my campaign.</p> <p>15 Q The District --</p> <p>16 A I just started hearing about it.</p> <p>17 Q For District 10?</p> <p>18 A Yeah. Yes.</p> <p>19 Q Did you consider yourself to be a successful 20 fundraiser in terms of campaign contribu- raising 21 campaign --</p> <p>22 A Yes.</p> <p>23 Q Let me finish.</p> <p>24 A Okay.</p> <p>25 Q Raising campaign funds during the race for</p>
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<p>1 interested in running for that seat?</p> <p>2 A Oh, whatever -- when everything was going 3 down about the, the homeless crisis exploding and then 4 defunding the police, and then I thought about it for 5 about a month or two and decided to file I think on the 6 last day.</p> <p>7 Q And you could -- as I recall, you announced 8 on August 17th, same day --</p> <p>9 A Mm-hm.</p> <p>10 Q -- you did the treasurer appointment, 11 correct?</p> <p>12 A Yes.</p> <p>13 Q Had you been following city council policy 14 developments for the years before that at all?</p> <p>15 A Very loosely.</p> <p>16 Q In what way had you followed it?</p> <p>17 A The news, just listening to the radio shows 18 in the morning, trying to run a business. But then 19 things became a little bit more than you could just 20 follow loosely.</p> <p>21 Q So when did you kind of buckle down and start 22 watching it closely?</p> <p>23 A When they lifted the camping ban in July 24 of --</p> <p>25 Q When they --</p>	<p>1 District 10?</p> <p>2 A Yes.</p> <p>3 Q Really good fundraiser? Pretty good? Mid- 4 fair to middling? Do you have kind of a view of that?</p> <p>5 A I felt like we were very successful.</p> <p>6 Q And you mean you had a successful fundraising 7 operation in place and you successfully raised funds to 8 run your race, right?</p> <p>9 A Yes.</p> <p>10 Q I want to focus a bit now on the allegations 11 of harm you have made with respect to being restricted 12 under the city ordinance you're challenging from 13 raising funds outside the fundraising window.</p> <p>14 A Mm-hm.</p> <p>15 Q Okay? That's where I want to focus. I guess 16 I'll start first by asking you, is there anything in 17 the four declarations you filed in this case that you 18 want to change at this point.</p> <p>19 A Not that I know of.</p> <p>20 Q So can you tell me the best version you can 21 of the harm you're suffering right now from not being 22 able to raise funds outside the fundraising window in 23 your race for whatever it is you're going to run for?</p> <p>24 A Yes, I can. We had tremendous, tremendous 25 momentum coming off of that runoff where we nearly</p>
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6 (Pages 21 to 24)

1 caused an upset and unseated an incumbent 49 to 51  
 2 percent, and we have -- we knew right away that we were  
 3 going to be running in 2022. We, we knew that we  
 4 wanted to continue with that momentum and represent the  
 5 people of Austin who are currently very unrepresented  
 6 on the city council.

7 Q I'm going to ask you to focus on the  
 8 question.

9 A I am. I am. So how I'm being harmed and how  
 10 the people -- the City of Austin --

11 Q I want to know how you're being harmed.

12 A I'm being harmed because I cannot raise money  
 13 to continue to disseminate my message and provide a  
 14 diversity of thought for the City of Austin where right  
 15 now there's a vacuum of 11 people on the council with  
 16 apparently everything they seem to vote on is nearly in  
 17 unison, which that cannot possibly be representative of  
 18 the City of Austin. And I need money to disseminate my  
 19 message on radio ads, mailers. I need to hire a  
 20 political strategist, I need to hire a campaign  
 21 consultant, I need to hire a social media consultant,  
 22 which I have all teed up and ready to go, but I don't  
 23 have any campaign funds left to hire them.

24 Q So in hiring let's say a campaign consultant.  
 25 Okay? Just to focus on one of the things you said you

1 person understand how politics work in Austin, so I'm  
 2 going to say yes, that one person would work for either  
 3 race.

4 Q But before that you said it possibly could  
 5 make a difference, and that's what I was asking about,  
 6 what -- how would it make a difference.

7 A Well, I'd like to retract that, then, because  
 8 I -- now that I'm being asked the question and having  
 9 thought about it, that the person that I would choose  
 10 would be good in either race.

11 Q Okay. And is it fair to say that harm that  
 12 you're describing, again, it's kind of, you know,  
 13 several things in the answer, but basically it boils  
 14 down to not being able to gather the funds so that you  
 15 can spend them to put together a campaign that gets  
 16 people hired and gets the message out?

17 A Gets hired, gets the message out, and, and so  
 18 that I'm able to run as a candidate. I'm not -- I  
 19 don't want to just share my message with the neighbors.  
 20 I need to raise money to run a campaign to win the  
 21 mayor's office, and that's going to take, I've heard,  
 22 over a million dollars to do, and it takes time to  
 23 raise a million dollars.

24 Q Right. And it takes time for anyone running  
 25 for that office to raise a million, correct?

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1 can't do --

2 A Mm-hm.

3 Q -- unless you can raise the money. How do  
 4 you choose a campaign consultant?

5 A You hopefully --

6 Q How do you choose?

7 A How do I choose?

8 Q Yeah.

9 A Somebody that I can work well with who has  
 10 a -- is a like-minded person who wants to -- who's  
 11 behind the things that we stand for in our campaign,  
 12 somebody who can get the job done, who's had  
 13 experience, that kind of thing.

14 Q And would the kind of campaign consultant you  
 15 would choose to hire differ depending on whether you're  
 16 running for mayor or for city council, a city council  
 17 district?

18 A Possibly.

19 Q In what way?

20 A I'm not really that sure, because I'm not  
 21 that experienced of a candidate, but I have a couple  
 22 people in mind, and I, and I actually think that they  
 23 would be great either way.

24 Q Well, I thought you said --

25 A I think, I think it's most important that the

1 A Mm-hm. Yes.

2 Q Do you have an understanding about whether  
 3 political action committees -- under the city ordinance  
 4 and city charter whether political action committees  
 5 that are going to end up supporting your candidacy or  
 6 opposing your opponents can raise funds outside the  
 7 fundraising window?

8 A I, I believe they can.

9 Q And have -- are you aware of any PACs at this  
 10 point that you expect to support your candidacy or  
 11 oppose the candidacy of any of your opponents?

12 A I'm not aware.

13 Q Can you think of -- you described in  
 14 answering my question the harm that you see from the  
 15 temporal restriction of you right now. Let me just  
 16 give you a chance to say: Can you think of any other  
 17 harm to you from that?

18 A Harm to me?

19 Q From the ones you've already testified to  
 20 just a few minutes ago.

21 A I think that it's a harm to me as it would be  
 22 to any candidate who's running against an incumbent,  
 23 especially in the city of Austin, to be arbitrarily  
 24 restricted to fundraise one year out from an election  
 25 versus all four years that the incumbents get to do

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7 (Pages 25 to 28)

1 with a fully paid staff, unearned media, their mailing  
 2 lists of 250,000 people. Yeah. I'm being harmed.  
 3 It's not, it's not a fair fight. I mean, it's very  
 4 disadvantageous to challengers in the city of Austin  
 5 against incumbents.

6 Q But you don't know if you're going to run for  
 7 city council.

8 A That's true.

9 Q So let's assume you don't.

10 A Mm-hm.

11 Q How are you harmed in that regard?

12 A We don't -- how do I think that -- hm. I, I  
 13 think that everyone's harmed. I think the City --

14 Q I'm asking how you're harmed. I'm not --

15 A Okay. I'm --

16 Q I don't care about how everyone else --

17 A Okay.

18 Q -- is harmed.

19 A I'll tell you. I am a voter in the city of  
 20 Austin, and I'm being harmed when there are challengers  
 21 out there, potential candidates who might represent my  
 22 voice, I'm being harmed because they can't raise money  
 23 to run as a candidate. They might be somebody I want  
 24 to vote for, and I don't even know they exist because  
 25 they don't even have money to get their message out.

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1 A I could, I guess I could go back and look at  
 2 my radio ads and see how much money I generated every  
 3 time I ran a radio ad, because when I ran a radio ad  
 4 they would pay for themselves probably three or four  
 5 times over. So I mean, there's a way, probably, to  
 6 quantify how I'm being harmed. I don't have those  
 7 numbers in front of me, but I think they're  
 8 significant. Thousands and thousands of dollars.

9 Q Okay. So the quantification is in terms of  
 10 how much money you raised, correct?

11 A Yes.

12 Q Okay.

13 A I mean, that would be the only thing I would  
 14 have to base it on.

15 Q And do you think the prime factor in your  
 16 being able to run a credible campaign is the ability to  
 17 raise money now instead of starting -- waiting until  
 18 November 8th of 2021?

19 A I sure do. I think that right now what -- to  
 20 prove my viability as a mayoral candidate, the faster  
 21 and more money I can raise the sooner, just causes  
 22 normal people to develop enthusiasm, jump onboard, and  
 23 believe that we can take it all the way to the finish  
 24 line. I think, yeah, the momentum I had could have  
 25 been parlayed right into an amazing campaign where it

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1 Q Okay. Let's talk about you as a candidate.

2 A Mm-hm.

3 Q How are you harmed?

4 A I'm --

5 Q Assuming you aren't running --

6 A I'm, I'm --

7 Q -- in this --

8 A -- harmed --

9 Q Wait. Let me finish the question. Assuming  
 10 you aren't running against an incumbent for whatever  
 11 office you run in, how are you as a candidate harmed by  
 12 that fundraising limit beyond what you've already said?

13 A I don't know if I need to reiterate the part  
 14 about where I have -- the momentum I had coming out of  
 15 that runoff, I am completely handcuffed and, and  
 16 completely silenced by the fact that I have to spend  
 17 one year from that runoff on December 15th to start  
 18 raising money again and continue my campaign.

19 Q Okay.

20 A I'm severely harmed by that. I'm going to  
 21 have to start all over again on November 8th.

22 Q And how will you know how big the harm is if  
 23 you don't get the restriction lifted?

24 A How would anybody know that?

25 Q Well, do you have any conception of how?

1 might have even benefited the City of Austin where more  
 2 people might actually show up and vote.

3 Q So why are you bothering to run since you  
 4 lost that momentum?

5 A Because I care about the City of Austin.

6 Q But you obviously think that losing that  
 7 momentum did not ruin your candidacy, correct?

8 A I don't think it helped my candidacy.

9 Q Did it ruin it?

10 A Well, "ruin" is a pretty strong word. It --

11 Q Did it harm it?

12 A -- hindered it.

13 Q Did it harm it?

14 A It -- yeah. I believe it harmed it. I  
 15 believe that I have been harmed as a candidate by this  
 16 fundraising window.

17 Q But not sufficiently to keep you from being a  
 18 viable candidate, correct?

19 MR. NAJVAR: I'm going to, I'm  
 20 going to object to the extent it calls for a legal  
 21 conclusion.

22 MR. HICKS: Okay.

23 MR. NAJVAR: And you can, you can  
 24 answer.

25 A I'm sorry. Repeat that?

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8 (Pages 29 to 32)

<p>1 MR. HICKS: Do you mind reading 2 that one back?</p> <p>3 (The referenced question was read 4 back by the court reporter.)</p> <p>5 A No. Not sufficiently to keep me from being a 6 viable candidate.</p> <p>7 Q And how do you test, just sitting here right 8 knew, whether you're a viable candidate for mayor?</p> <p>9 A How do I test it?</p> <p>10 Q For yourself.</p> <p>11 A I feel like, just based on contacts I get 12 from supporters of the previous campaign, that the 13 platform we had then that was so successful those 14 issues are still on the table, still on the forefront, 15 still as important to everyone as they were before. 16 Because as you can see out front here, nothing's been 17 solved yet in that regard, regarding the homeless 18 crisis. The police are still terribly underfunded and 19 struggling for support from the city council here in 20 Austin.</p> <p>21 Those are two things that are -- have 22 amazing bipartisan support in this town, and I just 23 feel like the platform we have still speaks to 24 everyone. And I'm still getting calls and emails, and 25 people are excited about having a voice like mine on</p>	<p>1 momentarily off the record, continuing at 1:44 p.m.) 2 Q (By Mr. Hicks) Actually, one thing I 3 just -- it's a minor clarification I'm trying to get. 4 So in one of your -- one of the filings in the case, 5 it's Document 17, I can't remember what it is. You 6 have an attachment to your email of, Ms. Virden, to the 7 city clerk saying, "Here's my amended form." 8 A Mm-hm. 9 Q Do you recall that? 10 A Yes. 11 Q And you sent the email, and I'm just -- you 12 sent it on May 6th -- 13 A Mm-hm. 14 Q -- 6 o'clock p.m., is what your email 15 attachment shows. 16 A Yes. 17 Q And I can show this to you. I don't mind 18 showing it to you. And you said -- 19 A I've got it. I've got -- 20 Q You say to the city clerk, "Please confirm 21 your receipt. Let me know if this is all you need, and 22 let me know if it needs to be eFiled." 23 A Yes. 24 Q You can see that. So I noticed in one of 25 those exhibits in front of you --</p>
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<p>1 the dais.</p> <p>2 Q So you aren't completely silenced in your 3 campaign, correct?</p> <p>4 A I am not nearly as widely heard --</p> <p>5 Q My --</p> <p>6 A -- as I am.</p> <p>7 Q That's not my question.</p> <p>8 A Completely to zero? No.</p> <p>9 Q Earlier you had said you were completely 10 silenced, and I'm just asking you, you aren't 11 completely silenced, are you?</p> <p>12 A In a meaningful way I am. I don't have a 13 broad reach with my social media the way that currently 14 everyone sitting on the city council and the mayor's 15 office do.</p> <p>16 Q Yeah. But you aren't completely silenced.</p> <p>17 A I am not completely down to zero silenced.</p> <p>18 MR. HICKS: Let's -- can we take 19 a short -- we don't have to take a break, like go 20 have -- can we go off the record briefly? I want to 21 check how much time I've used of the hour and then 22 think about what else I'm going to ask. Is that okay 23 with everybody?</p> <p>24 MR. NAJVAR: That's fine.</p> <p>25 (At 1:43 p.m. the proceedings went</p>	<p>1 A Yes.</p> <p>2 Q -- I can't remember which one --</p> <p>3 A Uh-huh.</p> <p>4 Q -- it --</p> <p>5 A This one maybe?</p> <p>6 Q Let me just make sure so we're clear.</p> <p>7 A Oh, this one maybe. I think that one 8 probably.</p> <p>9 Q Let's see. This is the -- yeah. This one, 10 yeah, Deposition Exhibit 2. Do you see the file-stamp 11 up there in the right-hand corner?</p> <p>12 A Yes, I do.</p> <p>13 Q That says "Received"?</p> <p>14 A Yes.</p> <p>15 Q It looks like the city clerk received it on 16 the 10th of May?</p> <p>17 A Uh-huh. Yes.</p> <p>18 Q Do you know what happened between May 6th and 19 May 10th?</p> <p>20 A No. I do not, and I was really con- we were 21 watching that, and I don't know what took the city 22 clerk's office four days to post this.</p> <p>23 Q So you had asked, Hey, let me know if I need 24 to do anything else --</p> <p>25 A Mm-hm.</p>
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9 (Pages 33 to 36)

<p>1 Q -- in essence, right?</p> <p>2 A Mm-hm.</p> <p>3 Q The thing you just went over.</p> <p>4 A Yes.</p> <p>5 Q And you never heard anything back, right?</p> <p>6 A No. I, I don't -- yeah. I did, actually. I think I got an email back saying, We received it, I think.</p> <p>9 Q But you never heard somebody say, Well, you need to do this, this, and this differently or anything?</p> <p>12 A No. She said, You don't need to -- I can't remember for sure, but I believe the email reply said that I don't need to do anything differently, that they'd received this.</p> <p>16 Q Okay. I was just curious. Okay. So do you understand what a bundler is?</p> <p>18 A Yes.</p> <p>19 Q What is a bundler?</p> <p>20 A A bundler is a --</p> <p>21 Q In your understanding.</p> <p>22 A My understanding, which again, I am a relatively new candidate, but I had one bundler during my campaign, and it's a person who --</p> <p>25 Q During the District 10 campaign, right?</p>	<p>1 A So I did. So I met him.</p> <p>2 Q And so at some point he gathered together checks from some people I suppose that he knew or had contact with, put them together, and gave them to you --</p> <p>6 A Yes.</p> <p>7 Q -- as the bundled contribution, correct?</p> <p>8 A That's my understanding of what happened. Yes.</p> <p>10 Q Okay. Do you recall when that bundled set of checks was delivered?</p> <p>12 A I do not.</p> <p>13 Q I don't know if it's a problem with forms or what. I couldn't find a date on it for me to (inaudible) --</p> <p>16 A Do you want to -- I, I might be able to see it.</p> <p>18 Q Oh, sure. Let me just for the record represent this is from Attachment C to the city clerk's declaration that she submitted yesterday as part of the corrected 12/8/20 report.</p> <p>22 A So you just want to know what day that the bundling --</p> <p>24 Q I just was curious --</p> <p>25 A -- the bundled check was received?</p>
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<p>1 A In my District 10 campaign. It's a person who receives campaign contributions on my half, I guess like separate checks, and then they submit them all to the -- to me in one envelope or whatever.</p> <p>5 Q Right. They bundle them. It's --</p> <p>6 A Yeah. They bundle them.</p> <p>7 Q -- kind of, yeah, it's kind of obvious when you talk through it.</p> <p>9 And you said you had one bundler in your campaign finance report. That's what I'm looking at here.</p> <p>12 A Mm-hm. Yes.</p> <p>13 Q Winston Smith.</p> <p>14 A Yes.</p> <p>15 Q Do you -- who is Winston Smith?</p> <p>16 A He's a gentleman that contacted me --</p> <p>17 Q Did you know him beforehand?</p> <p>18 A I did not know him before.</p> <p>19 Q And he contacted you, you said? I'm sorry to interrupt.</p> <p>21 A He called me and he said he supported my campaign and wanted to meet me, and --</p> <p>23 Q And at some point --</p> <p>24 A -- so I did.</p> <p>25 Q Sorry.</p>	<p>1 Q -- because there's no date on that that I can see. It may --</p> <p>3 A So they -- so in the report, the filing, you do this, but then it's also reflected elsewhere in the report. So it may be that the date information is in the other place in the report. That's my recollection. I don't see the dates either, just like you don't.</p> <p>8 Q Okay. That's all I have on that. I'm close to finishing. In fact, I may be finished. Just a second.</p> <p>11 Your current view, as you said toward the beginning of the deposition, is that you're running for mayor but you haven't foreclosed that you may change your mind and run for one of the city council seats that you end up in on the redistricting. Is that a fair shorthand version of what you said?</p> <p>17 A With one addition. I do not intend to change it to a council seat even if it becomes available. It's an option, but I am -- just, just because a district seat might become available does not mean I'm going to change it to run for the district -- or the council seat. I right now am 100 percent committed to running for the mayor's seat.</p> <p>24 Q Okay. And how will it be made known by you when and if you decided to instead run for a council</p>
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<p>1 <b>seat?</b></p> <p>2 A I will announce it if I made that decision.</p> <p>3 Q <b>And how will you announce it?</b></p> <p>4 A Well, I would -- depending on if I have money</p> <p>5 or not, if I'm able to raise campaign funds. If I'm</p> <p>6 able to raise campaign funds, I might announce it on</p> <p>7 the radio. If I can't announce it on the radio because</p> <p>8 I don't have any money, then I'll announce it on my</p> <p>9 Facebook page, my campaign Facebook page, my personal</p> <p>10 Facebook page, my Twitter account, maybe in a Constant</p> <p>11 Contact email blast. That's how I keep my supporters</p> <p>12 informed.</p> <p>13 Q <b>How many people are on the blast, the</b></p> <p>14 <b>Constant Contact blast?</b></p> <p>15 A I do not know exactly. I think around 2,500.</p> <p>16 Q <b>And you're able to maintain that going right</b></p> <p>17 <b>now, right?</b></p> <p>18 A It's, like, \$79 a month, and I have a few</p> <p>19 hundred dollars left, that and my post office box.</p> <p>20 Q <b>By 79 -- you said how much money?</b></p> <p>21 A It's about \$79 a month --</p> <p>22 Q <b>You said something about --</b></p> <p>23 A -- for Constant Contact.</p> <p>24 Q <b>Sorry. You said how much money you had left,</b></p> <p>25 <b>I didn't catch that.</b></p>	<p>1 A Well, for example, when we had the May 1st</p> <p>2 ballot initiatives, the propositions, I sent out my</p> <p>3 recommendations on how I would vote for each one of the</p> <p>4 propositions. That kind of thing. Or if there's</p> <p>5 another like-minded candidate out there running, we</p> <p>6 might support that like-minded candidate. Like, Jen</p> <p>7 Stevens, she was running for Eanes ISD, so we sent out</p> <p>8 an email support for her. It's just whatever we feel</p> <p>9 like the supporters might want to hear from me about.</p> <p>10 Q <b>And you said about 2,500 people?</b></p> <p>11 A Mm-hm. Yes.</p> <p>12 Q <b>And have you sent out a blast saying you're</b></p> <p>13 <b>running for mayor?</b></p> <p>14 A Yes. I believe so. Maybe not on Constant</p> <p>15 Contact. I could -- honestly, I believe we have. Yes.</p> <p>16 Q <b>When did you send that out?</b></p> <p>17 A I can't recall exactly when that was.</p> <p>18 Q <b>Do you recall roughly?</b></p> <p>19 A Oh, five or six weeks ago.</p> <p>20 Q <b>And how do people get to be on the list to</b></p> <p>21 <b>receive this blast?</b></p> <p>22 A During the campaign for District 10 it was a</p> <p>23 lot easier to get people to -- they were going to the</p> <p>24 website on their own. So I have a website where they</p> <p>25 can subscribe to the email list.</p>
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<p>1 A I could look.</p> <p>2 Q I don't need an exact amount. I'm just</p> <p>3 trying to --</p> <p>4 A It's a few hundred dollars.</p> <p>5 Q And you meant by "left" you mean from the,</p> <p>6 from the former campaign?</p> <p>7 A Correct.</p> <p>8 Q From the contributions --</p> <p>9 A Correct.</p> <p>10 Q -- that you've got left over from the former</p> <p>11 campaign.</p> <p>12 A Correct.</p> <p>13 Q And let's say those run out. You, you still</p> <p>14 could fund the Constant Contact, it would just be out</p> <p>15 of your own funds, correct?</p> <p>16 A I would probably be willing to do that. Yes.</p> <p>17 Q I'm not saying whether you would, but you</p> <p>18 could if you --</p> <p>19 A Oh, I could. Yeah.</p> <p>20 Q Assuming you have the money.</p> <p>21 A I could.</p> <p>22 Q Yes. What, what is sent out through this?</p> <p>23 A I'm sorry?</p> <p>24 Q What is sent out through the Constant Contact</p> <p>25 blast?</p>	<p>1 Q <b>A campaign website.</b></p> <p>2 A Yes.</p> <p>3 Q Okay. Go ahead. Sorry.</p> <p>4 A Now it's a little bit trickier to get</p> <p>5 people directed to the website, because I used to do</p> <p>6 it via radio ads. We would finish our radio ads</p> <p>7 during the campaign with, you know, Please go to</p> <p>8 JenniferforAustin.com to subscribe to the email list,</p> <p>9 but more importantly, to donate.</p> <p>10 So I can't do that anymore, so -- we</p> <p>11 would direct people to the website from the radio ads.</p> <p>12 Right now I do it just with miscellaneous posts and</p> <p>13 tweets whenever I feel it makes sense.</p> <p>14 Q <b>And do people have to affirmatively say, I</b></p> <p>15 <b>want to be on the blast list for Constant Contact, or</b></p> <p>16 <b>how do they end up on the list?</b></p> <p>17 A Well, I believe that the website just asks</p> <p>18 them if they want to subscribe to the, to the</p> <p>19 newsletters. I don't understand the question so much.</p> <p>20 I, I think --</p> <p>21 Q <b>How does someone --</b></p> <p>22 A -- I think they, they voluntarily subscribe.</p> <p>23 They fill in their information, their name, address,</p> <p>24 and check "Subscribe."</p> <p>25 Q Okay. That's to the newsletter, right? I'm,</p>
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11 (Pages 41 to 44)

1 I'm a little confused about --  
 2 A Or maybe it's just our email list. I, I  
 3 don't know if it's only for the newsletter, but it's  
 4 probably our email list, and then we use our email list  
 5 for the newsletters.  
 6 Q Okay. But do you have an understanding about  
 7 whether people that visit your website are  
 8 automatically added to the email list or not? Do you?  
 9 A I don't believe they're automatically added.  
 10 I think they have to input their information.  
 11 Q And you mentioned Twitter as a way to get  
 12 your, your message out some, right? How, how, how do  
 13 you -- how does that work, and can you tell how  
 14 many -- terrible set of questions.  
 15 Can you tell how many people view your  
 16 tweets with respect to campaign matters?  
 17 A With respect to?  
 18 Q Campaign matters, your candidacy.  
 19 A There is a, a, an icon you can click onto to  
 20 see the tweet activity, you know, how many impressions  
 21 you make or how many profile clicks or how many times  
 22 somebody has clicked on a hashtag. I mean, they, they  
 23 do give you some statistics.  
 24 Q And have you done that?  
 25 A Yeah.

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1 change if you're running, if you end up running against  
 2 an incumbent or a nonincumbent?  
 3 A The, the necessity to build the campaign  
 4 account and -- it matters no matter which office you're  
 5 running for. It's important to, in my opinion, to  
 6 build the campaign account for use now and for when  
 7 it's closer to election day when it, when it really  
 8 gets down to the nitty-gritty.  
 9 Q Okay. And you, and you described a few  
 10 things that Mr. Hicks asked you what you used your  
 11 Constant Contact account for, and you described a few  
 12 things.  
 13 Let's say we were able to get an  
 14 injunction in this case and you were able to fundraise  
 15 after that. Would, would fundraising for your campaign  
 16 presently be one of the things that you want to use the  
 17 Constant Contact list for?  
 18 A Yes. I would immediately send out a Constant  
 19 Contact and announce to God and everybody that we are  
 20 now able to receive campaign contributions and get  
 21 serious.  
 22 MR. NAJVAR: Pass the witness.  
 23 FURTHER EXAMINATION  
 24 BY MR. HICKS:  
 25 Q On that latter question, so let's assume the

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1 Q And, and so --  
 2 A Yes.  
 3 Q -- how many, how many people?  
 4 A It varies. It can go from 3,500 to 1,500.  
 5 It's all over the place, depending on the interest  
 6 level of the tweet and the time of day. I mean, some  
 7 things are more interesting to people than others, and  
 8 that's how you learn it. Sometimes it's only 22. It  
 9 really varies amazingly.  
 10 MR. HICKS: I pass the witness.  
 11 Thank you.  
 12 EXAMINATION  
 13 BY MR. NAJVAR:  
 14 Q Ms. Virden, I just have a couple of questions  
 15 to follow up. Mr. Hicks was asking you about the  
 16 burden that you, that you, you know, perceive or  
 17 experience from this inability to raise money  
 18 immediately, and you had described a couple things.  
 19 You described a lack of momentum or that you felt like  
 20 you had a momentum coming out of the last campaign for  
 21 District 10, and you wanted, I think you said you  
 22 wanted to keep that up. And you also said you wanted  
 23 to, you know, speak about issues and build your  
 24 campaign account for mayor.  
 25 Is all of that -- does any of that

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1 current ban is lifted, just to make up a time, July  
 2 1st. The judge in the case says, I'm going to grant a  
 3 preliminary injunction, that the stay, that we don't  
 4 see the stay for (inaudible) entertain one. Just kind  
 5 of assume it's lifted judicially. What will you do?  
 6 A What will I do? With the money?  
 7 Q No. What will you do to get the money?  
 8 A Oh. I'll immediately start asking all of my  
 9 supporters to start hosting fundraising events, I'll  
 10 get started on Constant Contact, Twitter, my campaign  
 11 Facebook, my personal Facebook, and just say, you know,  
 12 We are up and running, let's -- the sooner we can start  
 13 generating enough money, then we'll start doing the  
 14 radio ads and we'll start putting our voice out there  
 15 for every single issue that comes across the dais and  
 16 try to slow this runaway train that we call our Austin  
 17 City Council.  
 18 Q So isn't it too late to do that?  
 19 A Too late to do what?  
 20 Q To get that kind of campaign moving and  
 21 fundraising activity to do it.  
 22 A It's got to start somewhere. I assume you're  
 23 talking about the fact that I've claimed that we've  
 24 been completely halted, the momentum?  
 25 Q No. I just mean come July 1st you haven't

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12 (Pages 45 to 48)

1 been able -- you're arguing that it's not fair -- this  
 2 is not a fair characterization, I think.  
 3 You've been arguing that you're harmed  
 4 by the code's provision about not being able to  
 5 fundraise, and I'm just asking come July 1st if you  
 6 could start it up, why aren't you harmed so badly it's  
 7 too late?  
 8 A Because I could have done so much more if I'd  
 9 been able to start fundraising right out December 15th.  
 10 That means I've gone from December to July without  
 11 being able to fundraise.  
 12 Q Right, but --  
 13 A And spend money and influence everything  
 14 that's coming across the dais.  
 15 Q But you still think that July, come July 1st  
 16 if you could start up -- and we're just making that  
 17 date up for purposes of the discussion. You still  
 18 think that by July 1st you can get things moving and  
 19 get the job done in your candidacy the way you want to  
 20 get it done, right?  
 21 A I have been harmed because I haven't --  
 22 Q I'm not asking that question. I'm asking  
 23 about July 1st. You think you can get moving at that  
 24 point, correct, in a way that keeps your candidacy  
 25 moving forward? Answer that question first. You

1 restriction is lifted? Do you think that or not?  
 2 A I believe so. Yes.  
 3 Q Okay.  
 4 MR. HICKS: I have no further  
 5 questions.  
 6 MR. NAJVAR: That's it.  
 7 (At 2:01 p.m. the proceedings  
 8 adjourned.)  
 9  
 10  
 11  
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 16  
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1 can talk --  
 2 A But not as well as I could have if I'd been  
 3 able to start --  
 4 Q So the answer --  
 5 A -- on December 16th.  
 6 Q -- is yes, correct? You said --  
 7 A I -- not as well -- my answer is, not as  
 8 well as I could have if I'd been able to maintain  
 9 that -- take that momentum from December 15th and go  
 10 on. Now I've --  
 11 Q That's not my question.  
 12 A -- I've not been able to raise money --  
 13 Q Yeah. That's --  
 14 A -- since December 15th to your hypothetical  
 15 July whatever date.  
 16 Q 1st.  
 17 MR. HICKS: But objection,  
 18 nonresponsive.  
 19 Q My question was, come July 1st -- I want you  
 20 to answer the question I asked. You can, you can  
 21 pontificate about other stuff, but I want you to answer  
 22 the question I asked.  
 23 Come July 1st do you think it would be  
 24 sufficient for you to get your campaign going in order  
 25 to run a viable campaign for mayor if, if the

1 CHANGES AND SIGNATURE  
 2 JENNIFER VIRDEN  
 3 June 16, 2021  
 4 PAGE LINE CHANGE REASON  
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 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
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 20 \_\_\_\_\_  
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 23 \_\_\_\_\_  
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 25 \_\_\_\_\_

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